

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CEDRIC R. JOYCE,

Plaintiff,

v.

UNKNOWN BERGERON, et al.,

Defendants.

Case No. 2:21-cv-70

HON. JANE M. BECKERING

ORDER

Plaintiff, a prisoner in the custody of the Michigan Department of Corrections, filed this civil rights action pursuant to 42 U.S.C. § 1983. Defendants¹ filed a Motion to Dismiss and for Summary Judgment on the Basis of Exhaustion (ECF No. 24). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation (ECF No. 29) on July 25, 2022, recommending that this Court grant in part and deny in part the Motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Accordingly:

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 29) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss and for Summary Judgment on the Basis of Exhaustion (ECF No. 24) is GRANTED IN PART AND DENIED IN PART.

¹ It is not clear whether the Motion was filed on behalf of Defendant Collins, as Defendant Collins was not specifically identified as one of the defendants bringing the motion; however, the Motion was filed by the attorney for all MDOC Defendants, who is also the attorney of record for Defendant Collins.

Specifically, the Court: (1) grants Defendants' Motion to Dismiss with respect to Defendants Paquin, Batho, Corey-Spiker, McLean, and LaPlaunt because Plaintiff failed to set forth specific factual allegations against them in his complaint; (2) grants Defendants' Motion for Summary Judgment with respect to Plaintiff's deliberate indifference claim against Defendant Salomon because there are no genuine issues of fact and Plaintiff failed to exhaust the claim; and (3) denies Defendants' Motion for Summary Judgment with respect to Plaintiff's claims against Defendants Blemke, Trestrail, Golladay, Reinfelder, and Smith-Reinfelder for acting with deliberate indifference to his medical needs on July 19, 2020 because there is a genuine issue as to whether the grievance process was available to Plaintiff.

IT IS FURTHER ORDERED that the Clerk of Court is directed to modify Defendants' party names consistent with the caption in the Motion (ECF No. 24) and alluded to in the footnote of the Report and Recommendation (ECF No. 29 page 1 footnote 1).

Dated: August 24, 2022

/s/ Jane M. Beckering
JANE M. BECKERING
United States District Judge